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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/695,284      | 10/25/2000  | Isao Hoshino         | PM 271043           | 2040             |

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EXAMINER

TRAN, THANG V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2653

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DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/695,284

**Applicant(s)**

HOSHINO ET AL.

**Examiner**

Thang V. Tran

**Art Unit**

2653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) 1-13, 22 and 23 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 14-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

The communication dated 12/22/03 has been considered with the following results:

***Election/Restrictions***

1. Applicant's election of Group II, claims 14-21 in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 1-13, 22 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention **without** traverse.

***Specification***

2. The disclosure is objected to because of the written description of Fig. 15A. is not disclosed in the specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14, 15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US 6,377,536).

Kim et al., according to Fig. 6, shows an optical head comprising: an objective lens (42); a first light source (light source provided in module 40); a second light source (light source provided in module 32); an optical path synthesizing-separating element or beam splitter (34); a first and

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second detectors (detectors provided in modules 40 and 32); and a converging optical system (36) as recited in claim 14 and 16.

Regarding claim 15, the features recited in claim 15 are inherently include in modules 40 and 32.

Regarding claim 21, see the rejection applied to claim 14, and the features related to a signal processing circuit as further recited in claim 21 is inherently included in the apparatus of Kim et al.

5. Claims 14, 16-18, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US 6,337,841)

Regarding claim 14, see Fig. 11 of Kim et al. which shows an optical head comprising: an objective lens (237); a first light source (211); a second light source (221); an optical path synthesizing-separating element (231); a first and second detectors (219, 227); and a converging optical system (225) as recited in claim 14.

Regarding claim 16, see Fig. 3 of Kim et al. which shows an optical head comprising: an objective lens (137); a first light source (111); a second light source (121); a beam splitter (131); a detector (141); and a converging optical system (125) as recited in claim 16.

Regarding claim 17 and 18, see collimator lens 125.

Regarding claim 20, the limitation recited in claim 20 is inherently performed by the pick-up shown in Fig. 3.

Regarding claim 21, see the rejection applied to claim 14 above and the features related to a signal processing circuit as further recited in claim 21 is inherently included in the apparatus of Kim et al.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 6,337,841) in view of Kim et al (US 5,872,760).

Kim et al. '841, according to Fig. 3, shows all the features of the instant claimed invention (see rejection applied to claim 16 above) except for the use of the converging optical system (125) arranged in an inclined from the optical axis. Kim et al '760, according to Fig. 7 and 7, teach the use of the converging optical system above (see lens 220) for the purpose of correcting an astigmatic difference of the light beam. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pick-up of Kim et al. '841 by arranging the converging optical system (lens 125) in an inclined fashion as taught by Kim et al '760 in order to correct the astigmatic difference in the light beam.

***Cited References***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical head having a collimating lens provided in the optical path between at least one of a plural light sources and a beam splitter.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thang V. Tran  
Primary Examiner  
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